

REMARKS

Amendments

Claims 1-26 and 29-41 are amended to use language in accordance with conventional US practice and to delete superfluous language. Use claims 31, 33 and 41 are amended to be method claims. Claim 36 is amended to replace the acronym BOC with the full chemical name, tert-butoxycarbonyl. See, e.g., page 36, line 29. New claim 42 is directed to a further aspect of the invention and is supported throughout the disclosure. See, e.g., pages 28-30, the specific compounds disclosed in the Examples, and the original claims.

Election

In response to the Restriction Requirement, applicants hereby elect Group I. Claims 1-25, 29, 30, 32, and 34-40 read on the elected invention. With respect to the Election of Species Requirement, applicants hereby elect the compound 1-N-[(4-chlorophenyl)]-2-N-{[4-(3-oxomorpholin-4-yl)phenyl]}-(2R,4R)-4-hydroxypyrrolidine-1,2-dicarboxamide. Claims 1-25, 29, 30, and 32 read on the elected species. With respect to the initial scope of examination based on the elected species, applicants suggest the scope defined by new claim 42. However, the Restriction Requirement is traversed, and further clarification of the Restriction is requested.

First, in the Restriction claims 11-25, 29, 30, and 34-40 are said to make of Group I. However, it is assumed that Group I was intended to include claims **1-25**, 29, 30, and 34-40, since claims 1-10 are not included in any other Group and claims 1-10 are compound claims. Further, Group II, which includes claims 31-33 and 41, is said to be directed to a process of using. However, claim 32 is a kit claim which contains an amount of compound of claim 1. Thus, claim 32 should not be included in Group II or Group III (drawn to a process of making). Claim 32 should instead be included with the compound/composition claims of Group I.

In the Restriction, Group II is identified as being drawn to a process of using products of Formula I, and Group III is identified as being drawn to a process of making products of Formula I. As set forth in Annex B, section (e) of the Administrative Instructions Under the PCT, there are set special groups of categories of claims that are considered as satisfying the

requirement of unity of invention. One of these groups is where there is an independent claim directed to product, and independent claim directed to a process for manufacturing the product, and an independent claim directed to a use of the product. This is the situation presented by the instant group of claims.

In view of the above remarks, it is respectfully submitted that there is no basis under PCT Rule 13.1 for Restriction of the claims of Groups II and III from the claims of Group I. Withdrawal of the Restriction is again respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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